

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GRIEL BLACKMON,)	8:06CV711
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
MICHAEL J. ASTRUE,)	
Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, in the amount of \$4,682.31. (Filing 27.) This sum represents 28.4 hours of work by Plaintiff's attorney, at an average hourly rate of \$164.87.¹ The Commissioner does not object to the amount of fees requested. (Filing 29.)

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and the matter was remanded for further proceedings; the application for fees was filed in a timely fashion; and the position of the Commissioner was not substantially justified. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

IT IS ORDERED that:

¹ This average hourly rate equals the statutory maximum of \$125.00, adjusted on a monthly basis to account for inflation since March 1996.

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing 27) is granted.

2. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$4,682.31.

January 16, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge